

EXHIBIT C

EXHIBIT C**TABLE OF OVERLAPPING FACT ALLEGATIONS**

Relevant Common Facts	Immunex Corp. and Amgen Inc.¹ (1st and 7th Claims remain)	Immunex Corp. and Amgen Inc.² (1st, 7th and 5th (with respect to the prior Axel patents) Claims remain)	Amgen Manufacturing, Limited; Immunex Rhode Island Corp.; and Amgen USA Inc. (new action)	Biogen Inc. and Genzyme Corp.³ (Counts I and V remain)	Biogen IDEC Inc., Biogen IDEC MA, Inc. and Genzyme Corp.⁴ (new action)	Wyeth and Genetics Institute⁵ (Counts IV, V and VI remain, new counts XII – XV are proposed)	Genentech (5th claim remains)
<u>1. Wrongdoing of Columbia in obtaining Axel patents</u>	Allegations of fact pleaded with respect to remaining claims	Allegations of fact pleaded with respect to remaining claims	Allegations of fact pleaded with respect to remaining claims	Allegations of fact pleaded with respect to remaining claims	Allegations of fact pleaded with respect to remaining claims	Allegations of fact pleaded with respect to remaining claims	Allegations of fact pleaded with respect to remaining claims
Specific example: failure to disclose publications by named inventors	¶¶ 50-53	¶¶ 45-48	¶¶ 47-50	¶¶ 23, 66-70	¶¶ 27, 120-124	¶¶ 78-83	
Specific example: failure to disclose the '636 patent and its prosecution history	¶¶ 54-57	¶¶ 49-52	¶¶ 51-54	¶¶ 23, 66-70	¶¶ 27, 120-124	¶¶ 78-83	
Specific example: Columbia misrepresented the	¶¶ 30-33	¶¶ 53-56	¶¶ 55-58				

¹ Citations are to Second Amended Complaint ("SAC"), 12/10/03.² Citations are to Third Amended Complaint ("TAC"), 12/8/04.³ Citations are to Amended Complaint 8/21/03.⁴ Citations are to Amended Complaint, 12/15/04.⁵ Citations are to Proposed Amended and Supplemental Complaint for Declaratory Judgment, Injunctive Relief, and Damages, 12/6/04.

<u>Relevant Common Facts</u>	<u>Immunex Corp. and Amgen Inc.¹</u> (1 st and 7 th Claims remain)	<u>Immunex Corp. and Amgen Inc.²</u> (1 st , 7 th and 5 th (with respect to the prior Axel patents) Claims remain)	<u>Amgen Manufacturing, Limited; Immunex Rhode Island Corp.; and Amgen USA Inc.</u> (new action)	<u>Biogen Inc. and Genzyme Corp.³</u> (Counts I and V remain)	<u>Biogen IDEC Inc., Biogen IDEC MA, Inc. and Genzyme Corp.⁴</u> (new action)	<u>Wyeth and Genetics Institute⁵</u> (Counts IV, V and VI remain, new counts XII – XV are proposed)	<u>Genentech</u> (5 th claim remains)
scope of the '216 patent to the PTO							
Specific example: Columbia failed to disclose to PTO statements it made to Congress	¶¶ 34-38	¶¶ 57-61	¶¶ 59-63	¶¶ 28, 71-74	¶¶ 40, 125-128	¶¶ 84-89	
Specific example: Columbia misled the '275 examiner into withdrawing DP rejections based on the '017 patent	¶¶ 39-44	¶¶ 62-67	¶¶ 64-69	¶¶ 52-60	¶¶ 104-114	¶¶ 63-72	¶¶ 33-38
Specific example: Columbia further misled the examiner regarding the '159 application	¶¶ 45-49	¶¶ 68-72	¶¶ 70-74	¶¶ 61-65	¶¶ 115-119	¶¶ 73-77	
Specific example: Columbia delayed the patent prosecution process	¶¶ 26-28	¶¶ 27-29	¶¶ 29-31	¶¶ 31-32	¶¶ 19-26, 42-47	¶¶ 16-20	¶¶ 29-32
Specific example: wrongful conduct		¶¶ 74-75	¶¶ 75, 8		¶¶ 53-61	¶¶ 28-36, 40-42	

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in reissue process							
<u>2. Wrongdoing of Columbia in enforcing Axel patents</u>							
Specific example: Columbia demanded royalties on sales occurring after August 16, 2000 based on pending patent applications and asserted that the licensee was in breach of the agreement for non- payment	¶¶ 58, 60-63 (relevant to Amgen's 1 st Claim of SAC)	¶¶ 73, 77-80	¶¶ 75, 76-81	¶ 36	¶ 49	¶ 24	
Specific example: License incorporates by reference the obligations imposed by the US Government pursuant to 35 USC §§ 200-211, regulations there under and the determination	¶¶ 21, 89	¶¶ 22, 108-111	¶¶ 24, 101-106		¶¶ 31-32, 82	¶¶ 21-23	

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letter to CU from HHS							
Specific example: Columbia failed to comply with license condition of refraining from repressive practices	¶¶ 19-21, 88-93	¶¶ 20-22, 108-111	¶¶ 24, 101-106		¶¶ 31-32, 82	¶¶ 21-23	
Specific example: Columbia's wrongful termination of the license agreements		¶ 74-80	¶¶ 75-81, 102-105		¶¶ 62-64, 81	¶¶ 37-43, 140-143	¶¶ 45-47, 74
Specific example: Columbia failed to follow the most- favored nation clause of the license		¶ 79			¶¶ 83-84		
Specific example: Columbia received royalty payments for products not covered, and retains overpayments		¶ 78				¶¶ 45-47	

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<u>3. Wrongdoing of Columbia in this litigation</u>		¶¶ 75	¶¶ 75, 8		¶¶ 2, 50-52, 68-72	¶¶ 25-27, 40-42	